



CITY OF
REXBURG
America's Family Community

Resolution 06-01-1978

AN AMENDED RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF REXBURG, IDAHO, TO CAUSE CERTAIN STREETS AND ALLEYS AND PARTS THEREOF WITHIN THE CORPORATE LIMITS OF SAID CITY TO BE GRADED, RE-GRADED, GRAVELED, PAVED, RE-PAVED AND OTHERWISE IMPROVE THE HEREINAFTER DESCRIBED STREETS WITHIN THE DISTRICT AND TO CONSTRUCT AND RECONSTRUCT CURBS, GUTTERS, SANITARY SEWER MAINS, AND SERVICE LINES AND WATER MAINS AND SERVICE LINES, DRAINAGE FACILITIES, A CANAL BRIDGE AND OTHER WORK INCIDENTAL TO ALL OF THE FOREGOING IMPROVEMENTS ALONG SAID STREETS; TO CREATE LOCAL IMPROVEMENT DISTRICT NO. 23 FOR THE PURPOSE OF MAKING SAID IMPROVEMENTS; TO DEFRAY THE COST AND EXPENSES OF SAID DISTRICT AND THE COST AND EXPENSE OF SAID IMPROVEMENTS BY THE LEVY OF AN ASSESSMENT AGAINST THE ABUTTING, ADJOINING AND ADJACENT LOTS AND LANDS ALONG OR UPON WHICH SUCH IMPROVEMENTS ARE TO BE MADE AND UPON LOTS AND LANDS BENEFITED BY SUCH IMPROVEMENTS AND INCLUDED IN THE DISTRICT TO BE CREATED ACCORDING TO A FRONT FOOT METHOD, OR A SQUARE FOOT METHOD, OR A COMBINATION THEREOF OR IN PROPORTION TO THE BENEFITS DERIVED TO SUCH PROPERTY BY SAID IMPROVEMENTS, SUBJECT TO ANY VARIATION THEREFROM TO BE DETERMINED BY THE COUNCIL, EXCEPT THAT THE COST AND EXPENSES OF ALL SUCH IMPROVEMENTS WITHIN STREET INTERSECTIONS AND ALLEY INTERSECTIONS SHALL BE PAID FROM THE GENERAL FUNDS OF THE CITY AND DECLARING SAID IMPROVEMENTS TO BE ORIGINAL IMPROVEMENTS, FURTHER AND ADDITIONAL IMPROVEMENTS AND RE-IMPROVEMENTS; GIVING THE KIND AND CHARACTER OF SAID IMPROVEMENTS AND THE ESTIMATED TOTAL COST THEREOF; FIXING THE TIME WHEN PROTESTS AGAINST SAID IMPROVEMENTS AND THE CREATION OF SAID DISTRICT MAY BE FILED IN THE OFFICE OF THE CITY CLERK AND WHEN SUCH PROTESTS WILL BE HEARD AND CONSIDERED BY THE CITY COUNCIL, AND PROVIDING FOR GIVING OF NOTICE THEREOF.

WHEREAS, the City Council, on the 21st day of September, 1977, passed its Resolution declaring its intention to create Local Improvement District No. 23, and provided that notice of the passage of the Resolution and the time within which to file protests or other objections be given as provided by law; that such hearing was set for October 19, 1977, and notice thereof given as required by law; and

WHEREAS, such hearing was held on said date, and many interested persons attended the hearing requesting that additional streets and property be included in the proposed Improvement District No. 23, and

WHEREAS, at said meeting on motion duly made, seconded and carried, the City Council determined that it would be for the best interests of the City to cause such improvements to be extended to additional streets and include additional property in the proposed Improvement District No. 23, and ordered and directed the City Engineer to proceed with the required engineering and services necessary for the inclusion of such streets and property in the proposed Improvement District No. 23, and

WHEREAS, it was further moved, seconded and carried that after the City Engineer had assembled the necessary information, the City Council would then consider an Amended Resolution for the creation of Local Improvement District No. 23, and the City Council has now received such information from the City Engineer, and

WHEREAS, the City Council of Rexburg, Idaho, deems it for the best interests of the City to cause certain streets and alleys and parts thereof within the corporate limits of said City, to be graded, re-graded, graveled, paved, re-paved and otherwise improve the hereinafter described streets within the District and to construct and reconstruct curbs, gutters, sanitary sewer mains and service lines, water mains and service lines, drainage facilities, a canal bridge and other work incidental to all of the foregoing improvements along said streets, and to create Local Improvement District No. 23 for the City of Rexburg, Idaho, for the purpose of making said improvements, and

WHEREAS, the estimated total cost of said District and of said improvements is \$500,000.00, of which sum \$175,000.00 is the total estimated cost of said improvements within street and alley intersections, and

WHEREAS, the City Council is authorized to expend from the general funds of the City the whole of the costs and expenses of said improvements within street and alley intersections, and such other portion of the costs and expenses of said improvements as in their judgment may be fair and equitable in consideration of the benefits accruing to the general public by reason of such improvements, and

WHEREAS, the City Council proposes to defray the costs and expenses of said District and of said improvements (except those to be paid from the general funds of the City), to the extent of \$325,000.00 by assessments levied against the lots and lands abutting, adjoining and adjacent to the streets and alleys to be so improved and on and against all lots and lands benefited by such improvements included in said District and to defray the whole cost and expense of said improvements within the street and alley intersections from the general funds of the City, and

WHEREAS, the City, as of the date of the adoption of this Amended Resolution of Intent to Create Local Improvement District No. 23, has determined the ownership of the property to be included in said proposed improvement district.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF REXBURG, IDAHO, AS FOLLOWS:

SECTION I: The City of Rexburg, Idaho, does hereby declare its intention to cause certain streets and alleys and parts thereof within the corporate limits of the City of Rexburg to be graded, re-graded, graveled, paved, re-paved and otherwise improve the hereinafter described streets within the District and to construct and reconstruct curbs, gutters, sanitary sewer mains and service liens, water mains and service lines, drainage facilities, a canal bridge, and other work incidental to all of the foregoing improvements along said streets and for that purpose to create and establish a Local Improvement District thereon to be known as Local Improvement District No. 23 for the City of Rexburg, Idaho, comprising said streets and parts of streets and alleys and parts of alleys and the lots and lands abutting, adjoin and adjacent thereto and the lots and lands benefited by such improvements and situated in said District. A description of the boundaries of the District to be created is as follows:

1. Shoshone Avenue: Any and all property which abuts, adjoins, or is adjacent to any part of Shoshone Avenue between Second South and the South line of Mill Hollow Estates Subdivision and the South line of the Randall Indian Hills Estates Subdivision of the City of Rexburg, more particularly described as follows:

All of lots 1,2,3,4,5,and 6 of the Mill Hollow Heights Subdivision of the City of Rexburg. Also, Lot 2, Block 4 and the East 131 feet of Lot 2, Block 5 of the Randall Indian Hills Subdivision of the City of Rexburg. Also, that street island owned by Vilda Orgill Clark.

2. Fourth West Street and Fifth South Street: Any and all property which abuts, adjoins or is adjacent to any part of Fourth West Street between Fourth South and Sixth South or Fifth South Street between Fourth West and Fifth West more particularly described as follows:

Commencing at the Northwest corner of Block 4 of the Klingler Addition to the City of Rexburg; thence East 115.5 feet; thence South 330 feet; thence East 214.5 feet; thence South 165 feet; thence East 165 feet; thence South 165 feet; thence West 495 feet; thence North 660 feet to the point of beginning. Also, commencing at the Northeast corner of Lot 4, Block 3 of the Klingler Addition to the City of Rexburg; thence South 330 feet; thence West 627 feet; thence North 165 feet; thence East 297 feet; thence North 165 feet; thence East 330 feet to the point of beginning. Also, all of Lots 1 and 2, Block 6 of the Klingler Addition to the City of Rexburg. Also, the South one-half of Lot 1 and all of Lots 2, 3, and 4, Block 5 of the Klingler Addition to the City of Rexburg.

3. Fifth West Street: Any and all property which abuts, adjoins, or is adjacent to any part of Fifth West Street between Second North and Chad Drive, including all of the Ricks-Wade Subdivision, more particularly described as follows:

Commencing at a point located North 178 feet from the Southeast corner of the Northeast Quarter of the Southeast Quarter of Section 24, Township 6 North, Range 39 East, Boise Meridian; thence North 725 feet; thence West 1300 feet; thence South 540 feet; thence East 970 feet; thence South 185 feet; thence East 330 feet to the point of beginning.

Also, commencing at the Northwest corner of the Southwest Quarter of Section 19, Township 6 North, Range 40 East, Boise Meridian; thence East 660 feet; thence South 1025 feet to the point of beginning. Also, all of Lots 2, 3, and 4, Block 1, all of Blocks 2 and 3, and all of Lots 2, 3, 4, 5, 6, 7, Block 4, Bell-Bigler Addition to the City of Rexburg.

4. First North Street: Any and all property which abuts, adjoins, or is adjacent to any part of First North Street between Fourth West and Fifth West, more particularly described as follows:

Commencing at the Southwest corner of Block 27 of the Rexburg Town site; thence North 148.5 feet; thence East 222 feet; thence North 99.5 feet; thence East 78 feet; thence North 82 feet; thence East 327 feet; thence South 330 feet; thence West 627 feet to the point of beginning. Also, commencing at the Northwest corner of Block 28 of the Rexburg Town site; thence East 627 feet; thence South 123 feet; thence West 82 feet; thence West; thence South 32 feet; thence West 149 feet; thence South 175 feet; thence West 396 feet; thence North 330 feet to the point of beginning.

5. Salem Avenue: Any and all property which abuts, adjoins, or is adjacent to Salem Avenue, more particularly described as follows:

Commencing at a point 25 feet North of the Southwest corner of Lot 2, Block 29, of the Rexburg Town site; thence North 57.5 feet; thence East 330 feet; thence North 17.5 feet; thence East 82.5 feet; thence South 75 feet; thence West 412.5 feet to the point of beginning. Also, commencing 25 feet South of the Northwest corner of Lot 3, Block 29 of the Rexburg Town site; thence East 330 feet; thence South 125 feet; thence West 150 feet; thence South 15 feet; thence West 180 feet; thence North 140 feet to the point of beginning.

6. Second West Street: Any and all property which abuts, adjoins, or is adjacent to any part of Second West Street between Second North and Third North, more particularly described as follows:

Commencing at the Northeast corner of Block 12 of the Rexburg Town site; thence South 660 feet; thence West 247.5 feet; thence North 165 feet; thence East 17.5 feet; thence North 165 feet; thence West 100 feet; thence North 165 feet; thence East 230 feet; thence North 165 feet; thence East 100 feet to the point of beginning. Also, all of Lots 2 and 3, Block 13 of the Rexburg Town site.

7. Third East Street: Any and all property which abuts, adjoins or is adjacent to Third East Street between Second North and the Rexburg Canal, more particularly described as follows:

Commencing at the Southeast corner of Block 17 of the Rexburg Town site; thence West 85.25 feet; thence North 115 feet; thence West 55 feet; thence North 50 feet; thence West 89.75 feet; thence North 165 feet; thence West 100 feet; thence North 318 feet, more or less, to the South R/W line of the Rexburg Canal; thence Southeasterly along said canal R/W 373 feet, more or less; thence South 525 feet, more or less, to the point of beginning. Also, commencing at the Southwest corner of Block 18 of the Rexburg Town site; thence north 545 feet, more or less, to the South R/W line of the Rexburg Canal; thence Northeasterly along said canal R/W 340 feet, more or less; thence South 447 feet; thence West 165 feet; thence South 56.5 feet; thence West 82.5 feet; thence South 108.5 feet; thence West 82.5 feet to the point of beginning.

8. Yale Avenue: Property owned by James Lamph and property owned by Vivian Bagley which fronts on Yale Avenue, more particularly described as follows:

Commencing at the Southeast corner of Lot 4, Block 5, Sorenson Addition to the City of Rexburg; thence South 100 feet; thence West 150 feet; thence North 100 feet; thence East 150 feet to the point of beginning. Also, commencing 662.17 feet North of the Southeast corner of the Northwest Quarter of the Southwest Quarter of Section 29, Township 6 North, Range 40 East, Boise Meridian; thence North 115 feet; thence West 150 feet; thence South 115 feet; thence East 150 feet to the point of beginning.

9. Third West Street: Any and all property which abuts, adjoins, or is adjacent to any part of Third West Street between Second North and Third North, more particularly described as follows:

Commencing at the Northwest corner of Block 12 of the Rexburg Town site; thence East 165 feet; thence South 165 feet; thence East 165 feet; thence South 247.5 feet; thence West 132 feet; thence South 82.5 feet; thence West 66 feet; thence South 165 feet; thence West 132 feet; thence North 660 feet to the point of beginning. Also, commencing at the Northeast corner of Block 11 of the Rexburg Town site; thence South 660 feet; thence West 115.5 feet; thence North 660 feet; thence East 115.5 feet to the point of beginning.

10. All of the Zachreson Addition to the City of Rexburg, more particularly described as follows:

Commencing 116 rods South of the Northeast corner of the Northeast Quarter of Section 25, Township 6 North, Range 39 East, Boise Meridian; thence West 20 rods; thence North 16 rods; thence West 60 rods; thence South 60 rods; thence East 60 rods; thence North 40 rods; thence East 20 rods; thence North 4 rods to the point of beginning.

The names of the street or streets to be improved, or along which said improvements are to be made, the points between which the improvements are to be made and the kind and character of the proposed improvements along and upon such streets are as follows:

SANITARY SEWER LINE

1. Third East Street between 2nd North and the Rexburg Canal
2. All of 255 South Street.

SEWER SERVICES

1. Third East Street between 2nd North and the Rexburg Canal on both sides of the street.
2. All of 255 South Street on both sides of the street.
3. Fifth South between 4th West and 5th West on both sides of the street

WATER LINE

1. Fifth South between 4th West and 5th West on both sides of the street
2. All of 255 South Street.

WATER SERVICES

1. Fifth South between 4th West and 5th West on the South side only.
2. All of 255 South Street on both sides of the street.

CURB AND GUTTER

1. Shoshone Avenue between 2nd South and the South line of the Mill Hollow Heights Subdivision and the Randall Indian Hills Estates Subdivision of the City of Rexburg. Both sides of the street.
2. 4th West Street from 4th South to 6th South on the East side only excluding portions with existing curb and gutter.
3. 5th South Street between 4th West and 5th West. Both sides of the street.
4. Fifth West Street from 2nd North to Chad Drive on both sides of the street.
5. First North Street from 4th West to 5th West on both sides of the street.
6. All of Salem Avenue on both sides of the street.
7. First North Street between 4th West and 5th West.

8. Second West Street between 2nd North and 3rd North
9. Third West Street between 2nd North and 3rd North
10. Yale Avenue in front of lots owned by James Lamph and Vivian Bagley only.
11. All 255 South Street.

BRIDGE

A canal bridge will be constructed over the Rexburg Canal at Fifth South Street.

Section II. The kind and character of said improvements are as follows: To cause certain streets and alleys and parts thereof within the corporate limits of said City, to be graded, re-graded, graveled, paved, re-paved and otherwise improve the hereinabove described streets within the District and to construct and reconstruct curbs, gutters, sanitary sewer mains and service liens, water mains & service lines, drainage facilities, a canal bridge and other work incidental to all of the foregoing improvements along said streets, all according to the plans and specifications to be filed in the office of the City Clerk on or before the day fixed for hearing protests against the creation of said District and the making of said improvements.

Section III. The said improvements are original improvements, further and additional improvements and re-improvements.

Section IV. The estimated costs and expenses of said District and of said improvements are \$500,000.00, which sum is to be allocated and paid as follows:

From levy of assessments against property benefited-----	\$325,000.00
From general funds of the city-----	\$175,000.00

Section V. The cost and expenses of said District and of said improvements which is to be paid by assessments against the abutting, adjoining and adjacent lots and lands on the streets or parts of streets, and alleys or parts of alleys along or upon which said improvements are to be made, and upon lots and lands benefited by such improvements and included within said District, each lot and parcel of land being assessed separately for the debt thereof according to a front foot method, or a square foot method, or a combination thereof, or in proportion to the benefits derived to such property by said improvements, subject to any variations therefrom to be determined by the Council.

The cost and expenses of said improvements within street and alley intersections, namely, the sum of \$175,000.00 is, in the judgment of the City Council, a fair and equitable portion of the total cost and expenses of said District and of said improvements to be expended from general funds of the City in consideration of the benefits accruing to the general public by reason of such improvements and shall be paid out of the general funds of the city.

That Wednesday, the 21st day of June, 1978, at 8 o'clock P.M. of said day, and the chambers of the City Council in the City Hall in the City of Rexburg, Idaho, be, and the same are hereby designated as the time and place when protests against the creation of said District or the making of any other objections in relation thereto, will be heard and considered by the City Council and that protests against the creation of such District and any other objections in relation thereto, may be filed in the office of the City Clerk on or before 8 o'clock P.M. on Wednesday, June 21, 1978.

The City Clerk is hereby ordered and directed to give notice of the passage of this Amended Resolution, the time within which protests against the creation of said District or any other objection in relation thereto may be filed, and the date when such protests will be heard and considered by the Council in the manner provided by law.

The Clerk is further ordered and directed to cause said notice to be published in two issues of the Rexburg Standard, a weekly newspaper printed and published in Rexburg, Madison County, State of Idaho, and mail a copy of such notice to each property owner, if known, or his agent if known, within the limits of the proposed improvement district, addressed to such person at his post office address if known, or if unknown, to the post office in the City of Rexburg, Idaho.

That such notice shall be in the following form: